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UNCLAS KABUL 002327

SENSITIVE  
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DEPT FOR S/RAP, INL, INL/AP, SCA, AF  
E.O. 12958: N/A  
TAGS: [PINS](#) [MARR](#) [SOCI](#) [PREL](#) [PGOV](#) [AF](#)  
SUBJECT: TRANSFER OF AFGHAN NATIONAL POLICE TRAINING CONTRACT  
RESPONSIBILITY

THIS IS A JOINT MESSAGE FROM US AMBASSADOR AND COMISAF

¶1. Summary: Ambassador and COMISAF join in recommending transfer of the responsibility for implementation of basic Afghan police training and field mentoring from the Department of State to the Department of Defense in order better to provide Afghan police the basic security skills needed in a counter-insurgency environment. To do so, DOD should generate and manage a new contract for the police training program when the current DOS contract with DynCorp expires in January 2010. We further recommend that DOS/INL should continue to contract for and manage specialized, INCLE-funded programs in civilian policing, police professionalization, women's police, family response units, and rule of law.

End Summary.

NEW DIVISION OF LABOR NEEDED

¶2. We recommend a shift in the division of labor and responsibility between the Department of Defense (DOD) and the Department of State (DOS) in executing the multi-million dollar training program for the Afghan National Police (ANP). Despite excellent coordination between the Embassy and Combined Security Transition Command - Afghanistan (CSTC-A), the lack of a single, unified chain of command has sometimes created confusion and unnecessary delays in implementing the program. We must maximize program effectiveness, especially as the ANP training program ramps up in coming months.

¶3. The Embassy's country team and CSTC-A agree that the police training program contract should be transferred from DOS (Bureau of International Narcotics and Law Enforcement Affairs (INL)) to DOD as soon as possible while minimizing the disruption of current training programs. Senior interagency approval will be required. Under the new arrangement, the Chief of Mission (COM) would continue to provide police program policy, oversight and broad direction, while CSTC-A would have overall responsibility for implementing the policy, including contracting and contract management.

¶4. Ambassador and COMISAF further recommend that the transfer of responsibility coincide with the expiration of the current contract and beginning of a new one in January 2010. Approval of the transfer now would provide time for limited bidding competition, for CSTC-A and the Embassy to fill staffing needs, and to reallocate the several distinct training programs between them. For example, while CSTC-A would assume contract implementation for all basic police training, the Embassy's INL office would continue to manage certain specialized police training programs.

BACKGROUND - DIVISION OF ROLES BETWEEN CSTC-A AND INL

¶5. The Department of State assumed control of the Afghan National

Police (ANP) training program in 2005, after the Germans launched the program in Kabul in 2003. DynCorp was awarded the first contract and won the second contract when it was re-competed in the summer of 2008. The current CSTC-A/Embassy INL relationship began in FY 2007, when funding for the ANP became part of DOD's budget for training and equipping the Afghan National Security Force (ANSF -- including the Afghan Army and Police). CSTC-A transferred funding to INL, which managed the DynCorp contract and maintained the major training facilities while CSTC-A implemented the other program elements, including the recruiting, supply/equipping, and post-training support.

¶16. Since 2007, ANP training has evolved from its original focus on civilian policing to a widely expanded training curriculum including counterinsurgency and tactical skills, which are more similar to CSTC-A-run training programs for the Afghan National Army (ANA). Many aspects of this expanded role are more suited to U.S. military management rather than INL's civilian policing experts. At the same time, Embassy/INL has developed specialized areas of training in civilian policing such as the Criminal Investigations, Women's Police Corps and Family Response Units.

#### NEW DIVISION OF TRAINING ROLES

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¶17. Specifically, we recommend that CSTC-A assume contractual responsibility for the primary ANP police training program, which would cover Regional Training Centers; Basic ANP training; mentoring within the Ministry of Interior and CSTC-A's Police Mentoring Teams embedded in ANP units in districts throughout Afghanistan.

¶18. Under this plan, INL would revert to its traditional police training role, generating a separate contract to support development

of the full range of civilian police functions, including higher-level leadership and management, criminal investigation, professional development, the Women's Police Corps, the Family Response Units and other training. Separate INCLE funds should be requested for these programs.

¶19. The actual timing of generating a new contract under DOD will depend on a variety of factors, most significant of which is the speed with which DOD and CSTC-A can award the contract and have the staff in position to administer it. We recommend transferring the responsibility for the basic training contract in January 2010, when the current contract expires. This transfer point offers the best balance of speed, practical feasibility, and compliance with DOD contracting rules. In the event that DOD is unable to properly compete, award and select a follow-on contract by the expiration of the current contract in January 2010, then the DoS should extend the current contract for a limited period until a new contract is awarded.

#### FACTORS IN DOS AND DOD CONTRACTING POLICIES

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¶110. Department of State (DOS) Contract Policies: Under USG-wide directives, both DOS and DOD acquisitions policies preclude the appointment of other agencies' personnel from holding responsibility for contract oversight or management in "mixed contract administration services." This means that it is not legally allowable for INL to cede operational control of contractors to CSTC-A as long as INL is responsible for managing the contract. The contract itself is not transferrable.

¶111. Department of Defense (DOD) Contract Policies: Current DOD contracting policy is to avoid entering into large, all-encompassing contracts like the existing INL contract with DynCorp. DOD needs time to develop separate Statements of Work (SOWs) for each aspect of the contract under consideration. DOD contracting policy also usually requires a time-consuming "full and open competition" for contracts. However, DOD can shorten the process under exceptional authority for 'Unusual and Compelling Urgency', subject to a senior DOD policy decision. Beyond establishing the 'unusual and compelling urgency' of the Afghan case, such a decision also would depend upon DOD and CSTC-A having the necessary staffing to manage the contract.

#### CONTRACT TRANSFER RECOMMENDATION

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¶12. The current contract expires in January 2010, with an extension clause built-in. INL had originally planned to extend the contract through April 2010, to match it up with INL's over-arching Civilian Police contract. In light of the new imperative to transfer basic police training responsibility to CSTC-A, the Embassy and CSTC-A recommend generating a new contract under DOD when the current contract expires in January 2010. CSTC-A is currently working toward this goal. This is the Embassy's and CSTC-A's preferred option. There are several advantages to this recommendation: It would allow time for a limited competitive bidding process and for a smooth transition between the DOS and DOD. On the other hand, it would not give the CSTC-A commanding general the immediate operational control he would prefer to have, and CSTC-A may not have time to break up the contract into smaller elements for separate contracting, as normal DOD contracting policy stipulates. The January time frame will also not allow for DOD's normal "full and open" competitive process. DOD would have to scramble to complete the acquisition process in time. If DOD failed to meet the January 2010 deadline, there would be pressure to extend the current contract on a month-to-month basis. Finally, INL may not have time to obtain INCLE funding for the police training programs not covered by CSTC-A.

#### PENDING POLICY AND PROGRAM DECISIONS

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¶13. Support for the Justice and Corrections Programs: These Embassy-managed programs are crucial to the developing Rule of Law system in Afghanistan. There is dedicated space at several RTCs for both programs and the programs are planning to expand their presence to the others. Before control of the RTCs is transferred to CSTC-A, it will be vital to guarantee continued RTC support for these programs in the provinces.

¶14. Separation of Training/Mentoring Responsibilities: There are several programs, such as the Family Response Units, Women's Police Corps, and Criminal Investigations Training, and police professionalization courses that should stay within the Embassy's scope of responsibilities. The exact list will need to be

discussed, funding sources arranged, facilities agreed to, etc. To improve the existing coordination for all police training programs between the Embassy and CSTC-A, the Embassy proposes embedding State Department officer of appropriate rank and experience at CSTC-A, with authority over the contract.

¶15. The Embassy currently employs six Police Advisors (PAs) as personal services contractors. The PAs provide civilian police expertise, continuity in the program, and considerable day-to-day program management. The Embassy will need to retain some of PAs, based on the extent of its role in police training. CSTC-A still needs to determine if they will absorb the remaining PAs under a separate contract.

¶16. Air Wing Support: CSTC-A will need to arrange airlift support for the program, since it does not have its own resources. Currently, the INL/NAS Air Wing provides passenger and cargo support for the police training program. The police program consumes over 80% of the Air Wing's flying hours and is partially reimbursed through ASFF funds in accordance with the DOS-DOD MOA. CSTC-A's airlift needs will dramatically increase as ANP training is expanded. This is a substantial issue that will need to be resolved well in advance of the prospective program transfer.

¶17. Asset Turnover: NAS will have to account for the police program's facilities and equipment and conduct a proper transfer of these government-purchased items to CSTC-A for use in the follow-on contract. All of the non-expendable equipment and facilities constructed at the training centers will eventually be turned over to the GiROA, but a complete accounting will need to be made for transfer to CSTC-A. The land use agreements between the U.S. Embassy and the Government of Afghanistan also will have to be modified.

¶18. Action request: We recommend that the Department of State and Defense:

--(1) Approve the proposed change in the division of police training roles and responsibilities between the Embassy and CSTC-A;

--(2) Negotiate and implement the needed policy operations, and contractive decisions; and

--(3) Sign a new Memorandum of Agreement between the DOD and DOS.

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